

BOARD OF REGISTRATION IN PHARMACY
MINUTES
TUESDAY DECEMBER 8, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Board Members
Present
Staff Present

James T. DeVita, R.Ph.; Stanley Walczyk, R.Ph.; Joanne Trifone, R.Ph.;
George Cayer, R.Ph.; Michael Tocco, R.Ph, M.Ed.; Steve Budish
James D. Coffey, R.Ph., Director; Margaret Cittadino, M.Ed., Associate
Director; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA)
Coordinator; Samuel J. Penta R.Ph., Investigating Supervisor, Cheryl
Latham, Pharm.D., Investigator; James C. Emery, Investigator

1. 8:30 a.m. CALL TO ORDER - President James T. DeVita, R.Ph.
2. 8:35 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Cittadino

New – Wholesale Distributor

Boston Scientific, proposed to be located at 500 Commander Shea Boulevard
North Quincy, MA 02171-1518 (Schedule VI controlled substances and devices)

Relocation

CVS 657, 283 Park Avenue, Worcester (DS24549) TO 400 Park Avenue, Worcester

Change of Manager

CVS 496, 324 Broadway Street, Chelsea (DS3580)
CVS 1050, 160 Reservoir Road, Holden (DS1697)
CVS 281, 80 Market Street, Rockland (DS2727)
CVS 2125, 137 West Central Street, Natick (DS2763)
CVS 2054, 136 Nahatan Street, Norwood (DS2588)
CVS 1238, 555 Main Street, Medfield (DS2058)
L&C Prescriptions, 490 Page Boulevard, Springfield (DS2543)
Rite-Aid 10148, 100 Cambridge Street, Boston (DS3469)
Rite-Aid 10145, 469 Walpole Street, Norwood (DS3346)
Rite-Aid 10152, 710 East Broadway, South Boston (DS3145)
Stop & Shop 38, 36 New State Highway Route 44, Raynham (DS2862)
Target T 2127, 655 Cheshire Road, Lanesboro (DS3443)
Walgreens 4966, 215 Beach Street, Malden (DS2924)
Walgreens 1233, 100 East Main Street, Webster (DS3333)
Walgreens 3408, 25 Oak Street Extension, Brockton (DS3408)
Walgreens 1855, 15 School Street, Framingham (DS1418)
Walgreens 10940, 235 South Main Street, Middleton (DS89632)
Walgreens 4729, 951 Providence Highway, Norwood (DS2878)

Closings

The Medicine Centre/LTC, 41 Sullivan Street, Springfield (DS3455). Inventory and
records to be transferred to **McClellands** (DS3309), 85 Interstate Drive, West Springfield.

Renovation

MGH Nuclear Pharmacy, 55 Fruit Street, Boston (NU08)

Motion Budish/ Cayer to approve all applications.

Recused DeVita and Tocco for CVS applications; Trifone for Walgreens applications

Approved

3. 8:40 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;

James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,

Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

	DOCKET	BOARD ACTION
1	PHA2009-0172 Walgreens 1855 DS1418 PHA2009-0186 Julia Bloodworth PH26454 PHA2009-0185 Ellen Lejeunesse PT11015	Motion DeVita/Tocco to Dismiss with Advisory Letter for all complaints, with pharmacist complaints to include 2 Continuing Education (CEs) in medication error prevention. Recused /Trifone (not present in meeting room) Approved
2	SAINV-0950 Walgreens 2391 DS1943	Motion Budish/DeVita to Dismiss with Advisory Letter -- Insufficient Evidence regarding alleged incorrect quantity dispensed; with recommendation regarding enhanced security of Schedule II medications in the "Will Call" area. Recused /Trifone (not present in meeting room) Approved
3	PHA2009-0173 Julia Herne PT6950	Motion Cayer/Budish to call for Voluntary Surrender (non-disclosure of criminal record on original application for licensure) with contingent vote for Summary Suspension. Approved
4	PHA2009- 0164 Jessica Howe PT8842	Motion Cayer/Walczyk for consent agreement for Probation (2 years) with random screens. Approved
5	PHA2009-0198 James Batzer PH19750	Motion Cayer/Tocco to accept Voluntary Surrender. Approved
6	PHA2009-0187 Pedro Pena PT11009	Motion DeVita/Tocco to call for a Voluntary Surrender with contingent vote for Summary Suspension. Recused /Trifone (not present in meeting room) Approved

7	PHA2009-0199 Patricia Ginewitz PT7644	Motion DeVita/Tocco to seek Voluntary Surrender with contingent vote for Summary Suspension. Recused Trifone (not present in meeting room) Approved
8	PHA2009-0161 Louis & Clark 572 DS2543 PHA-2009-0193 Marcella Hall PT2334 PHA2009-0194 Robert Churchill PH14033 PHA2009-0195 Shalanda Smith-Bello PT3852	1. Motion DeVita/Tocco for Dismissal with Advisory Letter with Self-Assessment and Board inspection. Approved 2. Motion DeVita/Cayer for Consent Agreement for Reprimand of Pharmacy Technician Hall (unlicensed practice). Approved 3. Motion DeVita/Tocco for Dismissal with Advisory Letter for Pharmacist and Pharmacy Technician with 2 CEs medication error prevention for the pharmacist. Approved
10:15 DeVita and Tocco exited meeting room; Recused from all CVS matters listed below.		
9	PHA2009-0189 Jessica Capparelli PH232621 PHA2009-0160 CVS 938 DS1505	1. Motion Budish/Cayer to Dismiss with Advisory Letter with 2 CEs medication error prevention for the pharmacist. Approved 2. Motion Walczyk/Budish to Dismiss – Advisory Letter Approved
10	PHA2009-0162 John Morassi PH19367	Motion Cayer/Budish to Dismiss – No Violation Approved
11	PHA2009-0183 Christine M. Smith PH26842 PHA2009-0184 Angela J. Marini PT9100	1. Motion Cayer/Trifone to Dismiss with Advisory Letter to pharmacist with 15 (6 Law) remedial continuing education credits. Approved 2. Motion Cayer/Walczyk to Dismiss with Advisory Letter to pharmacy technician regarding recommended procedure of using two identifiers at pick-up. Approved

	PHA2009-0158 CVS 1882 DS3047	3. Motion Trifone/Cayer to Dismiss with Advisory Letter requiring confirmation of re-training of pharmacy technicians about "Will Call" procedures. Approved
12	PHA2009-0089 CVS 983 DS1598 PHA2009-0177 Sean P Murphy PH18777	Motion Cayer/Budish to Dismiss – Insufficient Evidence for both complaints. Approved
13	PHA2009-0135 CVS 155 DS2471 PHA2009-0181 Jonathan Matchnik PH25389	1. Motion Walczyk/Cayer to Dismiss – Insufficient Evidence. Approved 2. Motion Trifone/Cayer to Dismiss with Advisory Letter and 15 (6 Law) remedial continuing education credits. Approved
14	PHA-2009-0167 Felicite M Sibailly PH27748 PHA2009-0119 CVS 127 DS3420	1. Motion Cayer/Trifone to Dismiss with Advisory Letter to pharmacist with 4 continuing education credits (2 diabetes education and 2 medication error prevention). Approved 2. Motion Trifone/Walczyk to Dismiss with Advisory Letter to pharmacy with recommendation to amend medication labeling field to eliminate unnecessary information. Approved
15	PHA2009-0151 Susan Collina PH3229 PHA-2009-0214 Rupal Patel PH24787	1. Motion Cayer/Budish for a Reprimand of pharmacist at first store to complete 2 continuing education credits in medication error prevention and to file Medication Error Report with the Institute for Safe Medication Practices Approved 2. Motion Cayer/Budish to Dismiss with Advisory Letter to pharmacist at second store with 2 continuing education credits in medication error prevention. Approved

	PHA-2009-0214 Kevan A. Fulmer PT1394 PHA-2009-0152 Susan E. Kushmerek PT10373 PHA2009-0221 CVS 5939 DS3576 PHA2009-0039 CVS 1023 DS1540	3. Motion Budish/Cayer to Dismiss with Advisory Letters for the pharmacy technicians at both stores. Approved 4. Motion Cayer/Budish to Dismiss – No violation against the two pharmacies. Approved
16	PHA2009-0215 Joseph Marcotte PH23580 PHA2009-0214 Alfred Baggalini, Jr PH134770 PHA2009-0148 CVS1869 DS3337 PHA2009-0112 Deborah S. Kaplan PH18733	1. Motion Cayer/Trifone for Dismissal with Advisory Letter for both pharmacists with 2 continuing education credits in medication error prevention. Approved 2. Motion Budish/Trifone to Dismiss – No Violation Approved. 3. Motion Trifone/Cayer for Reprimand of pharmacist with 90 continuing education credits (in addition to the required 30) and MPJE by 12/31/2010. Approved 4. Board to communicate with Board of Registration in Medicine regarding physician prescribing practice of multiple medications on one script.
17	PHA2009-0196 Shaun Hammond PH26142	Motion Cayer/Trifone to accept Voluntary Surrender. Approved
18	PHA2009-0182 Richard Licciardi PT10376	Motion Cayer/Trifone to accept Voluntary Surrender; Board would consider reinstatement if personal matters resolve. Approved

4. 11:15am New Business

- a) In the matter of **Geraldine Hicks**, candidate for Pharmacy Technician registration
Motion Trifone/Walczyk to approve application.
Approved
- b) In the matter of **Paul Riyad**, candidate for Pharmacy Intern licensure
Motion Budish/Cayer to approve application.

Approved

- c) In the matter of **Nicholas Simonich**, candidate for Pharmacy Intern licensure
Motion Cayer/Walczyk to ask candidate to appear before the Board.

Approved

- d) In the matter of **Annette Iannucci**, candidate for Reciprocal Pharmacist Licensure
Motion Cayer/Tocco to request candidate to appear before the Board.

Approved

- e) In the matter of **Saray Sen**, candidate for Pharmacy Technician registration
Motion Walczyk/Trifone to **DENY** application.

Approved

- f) In the Matter of **Paul Griffin**, continuing education deficiency inquiry.

Motion Cayer/Walczyk to advise 30 continuing education credits required by 12/31/2010.

Approved.

5. 11:30 a.m. **LEGAL/REPORT OF OFFICE OF GENERAL COUNSEL**

Pending Legal Matters - Susan Manning, Board Counsel

Closed Session: MGL c. 112, s. 65C and MGL c. 30A, s. 11A - Review and
Discussion of Complaints and Other Matters

11:30 a.m. **Motion** Trifone/Cayer to enter Closed Session.

11:55 a.m. **Motion** Budish/Tocco to return to Open Session.

In the matter of **Jeffrey Buck** PI155004 and PT10174. Complaint Docket No. PHA-2009-0176. Board reviewed Mass. College of Pharmacy and Health Sciences (MCP) action (suspension) regarding student status.

Motion DeVita/Tocco to revoke Pharmacy Intern registration if Buck's appeal of his MCP suspension is denied.

Approved

In the Matters of **Madiwe K. Okongwu** (PH18415) - Docket No. PH-07-120 and
Deruko Pharmacy (dba **Ruggles Pharmacy**) (DS2887)- Docket No. DS-07-057.

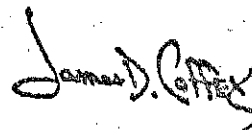
Motion Walczyk/Tocco to adopt *Proposed Ruling on Cross Motions for Summary Decision*.

Approved

12:00 pm. **Motion** Trifone/Cayer to adjourn the meeting.

6. 12:00pm. **ADJOURNMENT**

Respectfully submitted by:



James D. Coffey, Director

Board approved: November 16, 2001

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CLOSED SESSION MINUTES
DECEMBER 8, 2009
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Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 11A (Adjudicatory)
Policy Development

11:30 a.m. **Motion** Trifone/Cayer to enter Closed Session.
Approved

Board Counsel reviewed the following matters with the Board:

Matter of Complaint Docket No. PHA-2009 0176/**Jeffrey B. Buck** (PI155004 and PT10174). Buck has been suspended from MCPHS related to pending criminal matters (domestic assault); has appealed suspension.

Matter of Docket Nos. PH-07-120/**Madibwe K. Okongwu**, R.Ph. (Reg. No. 18415) and DS-07-057/Deruko Pharmacy dba **Ruggles Pharmacy**. Board reviewed *Proposed Board Ruling on Cross Motions for Summary Decision*.

11:55 a.m. **Motion** Budish/Tocco to return to Open Session.
Approved